

BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS

2010 ANNUAL REPORT



February 1, 2011

Table of Contents

I.	Highlights.....	1
	A. Sunset Review	
	B. Vacancies Due to State Hiring Freeze	
	C. Budget Change Proposals	
	D. Executive Orders	
	E. Legislative Actions	
	F. Office Space Update	
	G. Regulatory Fee Changes Implemented: Examinations	
	H. Retroactive Fingerprinting Implemented	
II.	Enforcement Division.....	6
	A. Citation & Fine Program	
	B. Complaints	
	C. Contract with Phamatech, Inc. for Drug Testing Services	
	D. Criminal Conviction Reporting	
	E. Disciplinary Actions	
	F. Enforcement Academy	
	G. Enforcement Performance Measures	
	H. Expert Witness Training	
	I. Probation Monitoring Program	
	J. Proposed Regulatory Action to Implement Elements of CPEI	
	K. Substance Abuse Coordination Committee	
	L. Workload Increases & Resultant Backlogs	
III.	Education Division	11
	A. Accredited Programs	
	B. Denial & Revocation of Accreditation	
	C. New Programs Approved to Commence Initial Classes	
	D. Placement on Provisional Accreditation	
	E. Program Closures	
	F. School Survey Visits for Initial & Continued Accreditation	
IV.	Licensing Division	14
	A. Breeze Information Technology Project	
	B. PT Program	
	C. VN Program	

V.	Consumer Outreach	17
	A. Customer Service Surveys	
	B. Director Forums	
	C. Stakeholder Surveys	
VI.	Administrative & Liaison Activities	18
	A. Board Meetings	
	B. Board Members	
	C. Liaison Activities & National Committees	
	D. Personnel Updates	
VII.	General Statistics	22

I. HIGHLIGHTS

- A. Sunset Review** – Pursuant to Business and Professions Code, Sections 2841 and 4501, the Board “shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date...” On October 1, 2010, the Board filed its Sunset Review Report with the Senate Business, Professions & Economic Development Committee. The Senate Committee requires each Board to submit a comprehensive Sunset Review Report that contains specific programmatic and statistical information with a focus on enforcement and consumer protection. The Board is scheduled for its Sunset Review Hearing on March 14, 2011.
- B. Vacancies Due to State Hiring Freeze** – Effective August 31, 2010, former Governor Arnold Schwarzenegger ordered a State Hiring Freeze that continues with Governor Jerry Brown’s Administration. As a result, the Board was unable to fill the 15.5 new positions authorized for the Consumer Protection Enforcement Initiative (CPEI) nor the 4.0 new positions authorized for the Licensing Division that were effective July 1, 2010. In addition, the Board cannot fill any of its other existing vacancies. **Currently, there are 32 positions vacant out of 84 total positions. This equates to a 38% vacancy rate.** The positions are:

Table #1: Vacancies	Position Classification	Number of Positions
Enforcement	Staff Services Manager I (Disciplinary Unit)	1.0
	Assoc. Govt. Program Analyst (AGPA) (Disc. Unit)	1.0
	Staff Services Analyst (SSA) (Complaint Unit)	1.0
CPEI - New	Staff Services Manager II (Investigative Unit)	1.0
	Staff Services Manager I (Investigative Unit)	1.0
	Special Investigators	10.0
	AGPAs (Limited Term positions expiring 6/30/12)	3.5
Education	Nursing Education Consultants	4.0
Licensing	Office Technician (Mail/Supply Desk)	1.0
Licensing - New	Asst. Info. Systems Analyst	1.0
	Office Technician (Fingerprint Desk)	1.0
	Program Technician II (Evaluations Unit)	2.0
Retroactive	Office Tech. (Limited Term expires 3/30/2011)	3.0
Fingerprint BCP*	Office Tech. (Limited Term expires 6/30/2011)	0.5
	Office Tech. (Limited Term expires 11/30/2011)	1.0
	Vacancy Totals:	32.0
	Total Authorized Positions(70 VN and 14 PT):	84.0
	%Vacant:	38%
*Note: Of the 15.5 positions originally approved to implement retroactive fingerprinting, only 6.0 positions are permanent. Therefore, the Board will lose a total of 9.5 Limited Term positions in 2011. Currently, 4.5 of the 9.5 LT positions are vacant and cannot be filled.		

C. Budget Change Proposals (BCPs)

1. Licensing Division Budget Change Proposal (BCP) – Effective July 1, 2010, the Board received approval to hire 4.0 staff beginning in FY 2010/11 to address the increased workload in the Licensing Division. Unfortunately, on August 31, 2010, former Governor Schwarzenegger ordered a State Hiring Freeze and the positions remain unfilled. On January 26, 2011, the Board was advised that the Department of Consumer Affairs (DCA) Executive Office and DCA Office of Human Resources planned to request a departmental exception for all licensing positions.
2. CPEI BCP – Effective July 1, 2010, the Board received approval to hire 15.5 staff (i.e., 13.0 VN positions and 2.5 PT positions) to create an Investigations Unit within the Board. The Investigations Unit would be comprised of 10.0 special investigators (non-peace officer). Unfortunately, on August 31, 2010, the former Governor Schwarzenegger ordered a State Hiring Freeze and the positions remain unfilled. The DCA Executive Office's attempts to obtain a departmental freeze exemption has not been successful.
3. Departmental BCP: Breeze Realignment – In 2009, the DCA decided to abandon the iLicensing Project that was underway to replace the department's existing licensing and enforcement database systems. The decision was made to move forward with the Breeze Project. DCA indicated that the CPEI relies on advanced workflow capabilities and cross-entity external system communications that the current system technology and iLicensing Project could not provide. Therefore, a departmental BCP was approved in FY 2010/11 to redirect iLicensing funding authority to Breeze and beginning in FY 2011/12 and ongoing an augmentation was approved to support the procurement, solution and implementation of the integrated Breeze licensing and enforcement system. More recently, on January 10, 2011, the Governor's Budget indicates that DCA submitted a Breeze funding realignment BCP beginning in FY 2011/12 for additional Breeze funds. According to the DCA Budget Office, the Board's "overall" contribution to this project to date will be as follows:

Table #2: Breeze Project Costs							
VN Program	2009/10 & Prior	2010/11	2011/12	2012/13	2013/14	2014/15	Totals
iLicensing	\$76,552						\$76,552
Breeze	\$10,491	\$64,218	\$107,534	\$122,457	\$228,109	\$187,724	\$720,553
						Totals:	\$797,085
PT Program	2009/10 & Prior	2010/11	2011/12	2012/13	2013/14	2014/15	Totals
iLicensing	\$10,111						\$10,111
Breeze	\$1,311	\$8,023	\$13,434	\$14,803	\$26,518	\$21,473	\$85,562
						Totals:	\$95,673

D. Executive Orders

1. Furlough Fridays (FY 2009/10) – On July 1, 2009, former Governor Schwarzenegger issued Executive Order S-09-12 which requires state agencies to close their offices for three Fridays every month through June 30, 2010. This resulted in a 13.85% reduction in pay for applicable state employees.
2. Furlough Fridays (FY 2010/11)
 - On July 28, 2010, former Governor Schwarzenegger issued Executive Order S-12-10 which required state agencies to implement furloughs of state employees for three days per month regardless of funding source from August 1, 2010 through October 31, 2010. This resulted in a 13.85% reduction in pay for applicable state employees.
 - Beginning November 2, 2010, via bargaining union contract agreements, the furloughs were reduced to one self-directed day per month ending October 31, 2011. This resulted in a 4.62% reduction in pay for applicable employees.
3. 5% Salary Savings & Workforce Reduction
 - FY 2009/10 – On January 8, 2010, former Governor Schwarzenegger issued Executive Order S-01-10 which required state agencies to take immediate steps to achieve an additional 5% salary savings in FY 2009/10.
 - FY 2010/11 – On October 28, 2010, the Board was required to continue the 5% salary savings requirement in FY 2010/11. The Board submitted its proposed reduction plan totaling \$197,000 (VN) and \$40,000 (PT). The Board used the salaries from the unfilled CPEI investigator positions [i.e., 4 investigators (VN) and 1 investigator (PT)] to meet the salary savings quotas for both the VN and PT Programs.
 - FY 2011/12 – On October 28, 2010, the DCA Budget Office also indicated that a permanent 5% Workforce Reduction will be implemented in FY 2011/12. The Board is required to reduce permanent staffing to reach the targeted goals. The Board must determine which vacant/unfilled positions will be used to meet the reduction plan in FY 2011/12.
4. Auto Purchase Hard Freeze – On February 11, 2010, former Governor Schwarzenegger's Acting Agency Secretary, Tom Sheehy, directed a hard freeze on any and all vehicle purchases for the remainder of FY 2009/10 and all of FY 2010/11. The CPEI BCP authorized the purchase of two automobiles for use by the Board's special investigators beginning July 1, 2010. As a result of the hard freeze, the purchase of the two vehicles in FY 2010/11 is prohibited.

E. Legislative Actions

1. SB 1172 Cease Practice Authority for Positive Drug Screens While on Probation (Negrete-McLeod, Chapter 517, Statutes of 2010) – This bill allows healing arts boards to order a licensee **to cease practice immediately** if the licensee tests positive for any prohibited substance while on probation or in diversion. A cease practice order shall not constitute disciplinary actions. Furthermore, the healing arts boards may adopt regulations for major violations or when the board orders a licensee to undergo a clinical diagnostic evaluation. (Added Sections 315.2 and 315.4 to the B&P Code.)
2. AB 1659 State Government: Agency Repeals (Huber, Niello & DeSaulnier, Chapter 666, Statutes of 2010) – This bill creates the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies and to conduct a comprehensive analysis of every eligible agency to determine if that agency is still necessary and cost effective. It requires each agency scheduled for repeal to submit a report to the committee containing certain information and requires public testimony and an evaluation prior to an agency being eliminated unless the Legislature extends or reorganizes the agency. (Added Section 9147.7 to the B&P Code.)

Note: On January 26, 2011, G.V. Ayers, consultant to the Senate Business & Professions Committee, clarified that the policy Committees (i.e., the Business and Professions Committees in the Senate and Assembly) will review the DCA boards and bureaus. It is anticipated that the Joint Committee, created by AB 1659 and AB 2130, will focus on reviewing other agencies in the state.

3. AB 2130 Professions and Vocations Sunset Report (Huber, Niello & DeSaulnier, Chapter 670, Statutes of 2010) – This bill abolishes the former Joint Committee on Boards, Commissions, and Consumer Protection and makes other conforming changes. This bill instead requires the Joint Sunset Review Committee (established pursuant to AB 1659) to review all eligible agencies and requires the committee to evaluate and make a report on whether an agency should be terminated or functions revised or consolidated. If an agency becomes inoperative or is repealed, any provisions relative to the appointment of board members or an executive officer shall not be implemented and have no force or effect. (Amended Section 9148.51 and 9148.52 of the B&P Code.)

Note: On January 26, 2011, G.V. Ayers, consultant to the Senate Business & Professions Committee, clarified that the policy Committees (i.e., the Business and Professions Committees in the Senate and Assembly) will review the DCA boards and bureaus. It is anticipated that the Joint Committee, created by AB 1659 and AB 2130, will focus on reviewing other agencies in the state.

4. AB 2500 Military Service Renewal Exemptions (Hagman, Chapter 389, Statutes of 2010) – This bill authorizes a professional licensee whose license expired while the licensee was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if those requirements are satisfied, unless the licensing agency determines that the applicant has not actively engaged in the practice of

his or her profession while on active duty. (Amended Section 114 of the B&P Code.)

5. AB 2699 Temporary Licensure Exemption for Out-of-State Licensed Healthcare Practitioners Participating in Free Healthcare Events (Bass, Chapter 270, Statutes of 2010) – This bill, until January 1, 2014, temporarily exempts out-of-state licensed healthcare practitioners from California licensure requirements while participating in a free healthcare event in this state sponsored by an approved nonprofit organization. The bill requires the sponsoring entity and all participating out-of-state healthcare practitioners to register in advance with the appropriate licensing boards, pay a temporary license fee, and comply with California law during the event. (Added Sections 900 and 901 to the B&P Code.)
Board staff must prepare regulations to implement this new statutory requirement for adoption at the May 2011 Board Meeting.

F. Office Space Update

1. Suite 250 – On April 1, 2009, the Board's request to lease additional office space for the 15.5 staff approved to implement retroactive fingerprinting was approved. The Board set up temporary work areas at the Capitol Oaks Building in Suite 250. The Board continues to work with the staff from DCA's Facilities & Space Planning and the Department of General Services' (DGS) Real Estate Services Division (RESO) to renovate the space and install modular furniture. On February 1, 2011, the DCA Facilities & Space Planning Unit advised that the lease agreement was finalized and needed final sign off by all parties. A project schedule for renovation work has not been received.
2. Suite 445 – On November 1, 2010, the Board's request to lease additional office space for the 15.5 CPEI and 4.0 Licensing staff was approved. The Board leased office space at the Capitol Oaks Building in Suite 445. The space will be utilized once the state hiring freeze is lifted.

G. Regulatory Fee Changes Implemented: Examination & Dishonored Check Fees

– On August 12, 2010, the Office of Administrative Law (OAL), approved the Board's increase to the Examination Application, Re-examination Application and Dishonored Check fees. The fee change was needed to ensure that sufficient funds and staff resources are available to address the increased workload in the Licensing Division. The fee change was effective October 1, 2010.

Table #3: Regulatory Fee Changes	VN Program	PT Program
Examination Applications	From \$75 to \$150	From \$100 to \$150
Retake Applications	From \$75 to \$150	From \$100 to \$150
Dishonored Checks	From \$10 to \$25	From \$10 to \$25

- H. Retroactive Fingerprinting Implemented** – On January 9, 2009, the OAL approved the Board's emergency regulations to implement retroactive fingerprinting effective April 1, 2009. Board records indicate that about 55,000 licensees needed to be fingerprinted. These individuals were licensed prior to January 1, 1998. It is anticipated that the majority of retroactive fingerprints will be collected between April 1, 2009 through June 30, 2011 (i.e., two renewal cycles). Applicable licensees were instructed to submit their fingerprint records to a local Livescan Service Provider and self-certify on their renewal forms that they complied with the fingerprint requirements. In July 2011, the Board plans to conduct an audit of the licensees who failed to comply with the fingerprinting requirements.

II. ENFORCEMENT DIVISION

- A. Citation and Fine Program** – The Board issued a total of 242 citations in 2010. Of that total, 209 were issued to Licensed Vocational Nurses (LVNs), and 33 were issued to Psychiatric Technicians (PTs). The dollar amount assessed in fines was \$101,323 and \$16,504 respectively; and the dollar amount collected in fines was \$64,537 and \$11,579 respectively (some fines collected during 2009 were payments for fines assessed in prior years). Licensees are informed they may not renew LVN or PT licenses until all fines are paid in full. Citations were issued for a variety of violations including unprofessional conduct, unlicensed activity, and falsification of continuing education hours.
- B. Complaints** – The table below shows the number of complaints by “calendar year” (not fiscal year*). In 2010, the Board received 4,970 complaints.

Table #4: Complaints Received	2006	2007	2008	2009	2010
Vocational Nurses:					
Applicant Complaints	1,070	1,125	1,417	1,483	1,954
Regular Complaints	974	1,132	1,311	2,146	2,266
VN Total:	2,044	2,257	2,728	3,629	4,220
Psychiatric Technicians:					
Applicant Complaints	132	132	160	204	189
Regular Complaints	277	246	265	542	561
PT Total:	409	378	425	746	750
Grand Total:	2,453*	2,635*	3,153*	4,375*	4,970*

*The amounts shown in this table reflect statistics for each “calendar year”. The amounts shown in Chart A reflect “fiscal year” statistics (not calendar year data). Therefore, these figures will not match exactly.

- C. Contract with Phamatech, Inc. for Drug Testing Services** – On July 6, 2010, the Executive Officer, Enforcement Division Chief, and Karen Newquist, Enforcement Program Manager, participated in a conference call with representatives from Phamatech, Inc. to enter into the recently executed departmental contract for drug testing services. Effective September 1, 2010, all probationers who are required to submit to biological fluid testing as part of their terms of probation are required to go through Phamatech, Inc. for drug testing. Approximately 140 probationers are required to be tested.

D. Criminal Conviction Reporting

1. Fingerprint Program – The Board requires all applicants, prior to licensure, to submit fingerprints to obtain a criminal history report from the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). Applicants are also required to self-certify on a “Record of Conviction (ROC)” form if they have a conviction history. In 2010, 1,956 VN applicants and 189 PT applicants with criminal convictions were referred to the Enforcement Division by the Board’s Licensing Division for review. During that same time period, the Board received and reviewed criminal history reports (i.e., RAP Sheets from the DOJ and the FBI) indicating prior convictions for 768 VN and 94 PT applicants. The ROC data and RAP Sheet data do not match exactly as an applicant could have multiple RAP Sheets, the Board receives RAP Sheets from applicants who decide not to file an application, and for various other reasons.
2. Report of Criminal Convictions on License Renewals – In 2010, 365 licensees (257 LVNs; and 108 PTs) reported they had been convicted of a criminal offense during the two years immediately preceding their license renewal date. At present, 54 licensees were issued warning letters; 189 cases are pending criminal conviction documents and additional information from the licensees; 11 cases were transmitted to the Attorney General’s (AG’s) Office for formal discipline; and 16 cases resulted in a citation and fine being issued. 95 cases (63 LVN and 32 PT) were closed because the convictions were not substantially related to the license or other reasons.
3. Retroactive Fingerprinting – On April 1, 2009, the Board implemented retroactive fingerprinting for anyone licensed prior to January 1, 1998. In 2010, the Board received 1,038 criminal history reports (843 LVNs; and 195 PTs) against licensees who require retroactive fingerprinting. At present, 190 licensees were issued warning letters; 432 cases are pending criminal conviction documents and additional information from the licensees; 2 cases were transmitted to the AG’s Office for formal discipline; and 4 cases resulted in a citation and fine being issued. 410 cases (354 LVN and 56 PT) were closed because the convictions were not substantially related to the license or other reasons.

E. Disciplinary Actions – The Board took the following disciplinary actions against LVNs and PTs in 2010:

Table #5: Disciplinary Actions	LVNs		PTs		Totals	
	2009	2010	2009	2010	2009	2010
Revocations	101	93	21	21	122	114
Suspensions	0	0	0	0	0	0
Probation	75	44	23	18	98	62
Voluntary Surrender	13	25	6	2	19	27
Reinstatement Granted	12	13	3	2	15	15
Reinstatement Denied	7	15	2	5	9	20
Early Termination & Modification of	0	1	0	0	0	1

Table #5: Disciplinary Actions	LVNs		PTs		Totals	
	2009	2010	2009	2010	2009	2010
Probation Granted						
Early Termination & Modification of Probation Denied	0	3	0	0	0	3
Licenses Denied (In-house)	10	33	6	3	16	36
Licenses Denied (Adjudicated)	11	5	2	0	13	5
Advisement Letters	830	673	147	148	977	821
Probation Compliance Meetings	87	55	25	24	112	79
Citations and Fines	169	209	37	33	206	242
# Ordered to Pay Cost Recovery	82	65	32	18	114	83
Total Actions:	1,397	1,234	304	274	1,701	1,508
Total Cost Recovery Ordered	\$382,509	\$399,791	\$143,770	\$104,560	\$526,279	\$504,352

F. Enforcement Academy – Between April 19, 2010 and June 8, 2010, Karen Newquist, a former Enforcement Program Manager, participated in the DCA's first Enforcement Academy. The primary purpose of the Academy is to provide a solid, standard baseline of knowledge and practices for new and existing employees who perform enforcement functions. The Academy is also intended as a venue for individuals from all of DCA's boards, bureaus, and divisions to learn from one another and form valuable, lasting working relationships.

Developed by internal subject-matter experts working in partnership with the DCA's SOLID Training Solutions, the Academy consisted of eight modules designed to provide a broad grounding in all aspects of the enforcement process. The Academy consisted of four two-day sessions held every other week. As this program was still under development, the first two Academies were limited to managers and supervisors. Ms. Newquist indicated that the information provided was good but recommended that the number of days be reduced from eight to four days.

G. Enforcement Performance Measures (PM) – On July 1, 2010, the Board began collecting data on eight enforcement performance measures developed by the DCA to determine the effectiveness of efforts to streamline enforcement processes, reduce backlogs and achieve the overall goal to process complaints within 12-18 months. These measures were developed to help implement CPEI in conjunction with expanded staff and better tracking systems. The eight performance measures are as follows:

PM 1: Volume – Number of complaints received.

PM 2: Cycle Time – Average number of days to complete complaint intake.

PM 3: Cycle Time – Average number of days to complete closed cases not resulting in formal discipline.

PM 4: Cycle Time – Average number of days to complete cases resulting in formal discipline.

PM 5: Efficiency (Cost) – Average cost of intake and investigation for complaints not resulting in formal discipline.

- PM 6: Customer Satisfaction** – Consumer satisfaction with the service received during the enforcement process.
- PM 7: Cycle Time (Probation Monitoring)** – Average number of days from the date a probation monitor is assigned to a probationer to the date the monitor makes first contact.
- PM 8: Initial Contact Cycle (Probation Monitoring)** – Average number of days from the time a violation is reported to a program to the time the assigned probation monitor responds.

The Board was asked to set targets for five of the measures: PM 2, PM 3, PM 6, PM 7, and PM 8. The DCA has delayed data collection for PM 5 until Breeze, the new integrated licensing and enforcement system, is implemented. Additionally, data was not received for PM 6 related to customer satisfaction. The DCA is developing inserts to be sent to consumers to help inform them of the customer satisfaction survey available for their completion.

The first quarter performance report was issued on December 8, 2010. The Board met all targets during this quarter except PM 4 (Formal Discipline). Without the additional staff approved through the CPEI BCP, the Board does not anticipate meeting the 540 day target established by the DCA for PM 4.

- H. Expert Witness Training** – The Enforcement Division Chief, Cheryl Anderson, Supervising Nursing Education Consultant, Jane Kreidler, Enforcement Program Analyst, and representatives from the AG's Office conducted Expert Witness Training on August 25, 2010, in Sacramento and September 14, 2010, in Los Angeles. Ten new experts were trained how to review enforcement cases, provide quality expert opinions, and testify at administrative hearings.
- I. Probation Monitoring Program** – A total of 227 licensees (171 LVN and 56 PT) are on probation including 30 probationers (29 LVNs and 1 PT) whose probation terms are on tolled status. During 2010, 79 probation meetings (55 VN and 24 PT) were conducted. Over the year, 31 licensees (22 LVNs and 9 PTs) were found to be out of compliance with the terms and conditions of probation, and the cases were forwarded to the AG's Office for initiation of revocation proceedings. During 2010, 22 probationers' licenses (18 LVNs and 4 PTs) were revoked or their probation extended for violation of probation (some cases were transmitted to the AG's Office in prior years).
- J. Proposed Regulatory Action to Implement Elements of CPEI** – On February 17, 2010, SB 1111 was introduced by Senator Negrete McLeod and sponsored by the DCA to establish the Consumer Health Protection Enforcement Act and make enforcement processes more efficient. However, on April 22, 2010, SB 1111 failed to make it out of the Senate Business, Professions and Economic Development Committee. On April 26, 2010, the DCA reported that CPEI would continue to be the Department's highest priority and believes that many provisions of SB 1111 can be adopted as regulations.

On September 16, 2010, the Board approved draft proposed regulatory language to implement elements of CPEI and directed staff to prepare a rulemaking file for notice and comment. It is anticipated that the notice of proposed regulations will be

published on March 11, 2011 and a public hearing held in April 2011. The final rulemaking file should be ready for Board approval at its May 20, 2011 Board Meeting.

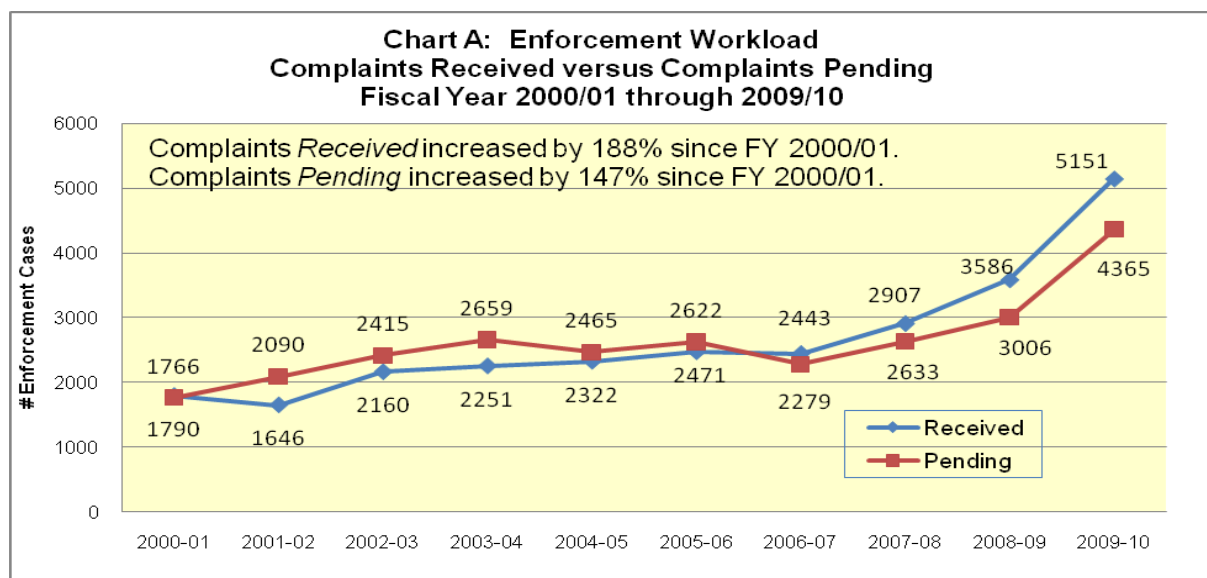
K. Substance Abuse Coordination Committee (SACC) – As required by Senate Bill 1441 (Chapter 548, Statutes of 2008), the SACC adopted sixteen uniform standards for substance-abusing healing arts licensees by January 1, 2010. The SACC was comprised of the Executive Officers (EO) of all healing arts boards, the Director of DCA and the State Medical Director of the Department of Drug and Alcohol Programs. The Board's EO was a member of the SACC. Draft proposed regulatory language to implement the standards was developed by the Board and presented at its May 19, 2010 Board Meeting.

On August 4, 2010, a subcommittee was formed and met to review and discuss possible revisions to the uniform standard relative to required drug testing. Public comment was received during the meeting. The subcommittee adopted a new testing frequency schedule to present to the SACC as follows:

- Year 1 – 48 random tests
- Year 2 – 24 random tests
- Year 3+ – 12 random tests

The subcommittee plans to meet again in 2011 to consider additional issues such as testing schedules for licensees who are working versus those who are not working, different types of probation tolling, and required drug testing prior to resuming practice. The regulatory proposal to implement the uniform standards will be presented to the Board at its February 2011 Board Meeting.

L. Workload Increase & Resultant Backlogs – Chart A shows the increase in the enforcement workload for the past ten years (i.e., FY 2000/01 through 2009/10). The number of complaints “received” increased by 188% and the number of complaints “pending (as of June 30th)” increased by 147%. The Board continues to address existing backlogs to reduce case aging.



III. EDUCATION DIVISION

- A. Accredited Programs** – Currently, 203 VN Programs and 16 PT Programs are accredited and approved by the Board. The table below delineates the 46% growth in the number of VN Programs and a 7% growth in the number of PT Programs accredited by the Board over the past 7 years.

TABLE #6: Growth in the Number of VN & PT Programs								
Programs	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11 (eff. 12/31/10)	%Change from 2004/05
# of VN Programs	139	174	195	203	210	205	203	46%
# of PT Programs	15	15	15	16	17	16	16	7%
Totals:	154	189	210	219	227	221	219	42%

The table below details the progressive growth in the number of “new and additional” student admissions requested and approved by the Board for admission to its VN and PT Programs statewide.

Table #7: New & Additional Students Admissions Approved Per Year					
VN Programs	Actual FY 06/07	Actual FY 07/08	Actual FY 08/09	Actual FY 09/10	FY 10/11 (Eff. 12/31/10)
#Students Requested for “New” Programs	671	533	264	150	80
#Additional Students Requested for “Existing” Programs	864	3269	3,885	4,694	3,657
Total # of <i>New & Additional</i> Student Admissions	1,535	3,802	4,149	4,844	3,737
% Growth of <i>New & Additional</i> Student Admissions					143%
PT Programs	Actual FY 06/07	Actual FY 07/08	Actual FY 08/09	Actual FY 09/10	FY 10/11 (Eff. 12/31/10)
#Students Requested for “New” Programs	0	30	30	30	0
#Additional Students Requested for “Existing” Programs	45	15	30	100	225
Total # of <i>New & Additional</i> Student Admissions	45	45	60	130	225
% Growth of <i>New & Additional</i> Student Admissions					400%

B. Denial & Revocation of Accreditation

VN Programs

1. Anderson Medical Career College, North Hollywood – June 2010
2. Antelope Valley Career Academy – February 2010
3. Career Colleges of America, South Gate – September 2010
4. Computer Institute of Technology, North Hollywood – September 2010
5. Healthcare Education Advancement Center, La Crescenta – September 2010

6. Walter Jay M.D. Institute, Los Angeles – September 2010

C. New Programs Approved to Commence Initial Classes

VN Programs

1. Institute of Medical Education, San Leandro – August 2010
2. Medical Career Institute, Los Angeles – December 2010

D. Placement on Provisional Accreditation

VN Programs

1. Anderson Medical Career College, North Hollywood – February 2010
2. Center for Education and Technology, Whittier – September 2010
3. Coast Health Education Center, Anaheim – February 2010
4. Community Based Education & Development College, Los Angeles – February 2010
5. Healthcare Education Advancement Center, La Crescenta – February 2010
6. Medical Allied Career College, Santa Fe Springs – September 2010
7. Medical Career College, Fremont – February 2010
8. Professional Medical Careers Institute, Thousand Oaks – February 2010
9. Valley School of Allied Health, Reseda – September 2010

PT Programs – No PT Programs were placed on provisional accreditation in 2010

E. Program Closures

VN Programs

1. Salinas Adult School, Salinas – July 20, 2010
2. Simi Valley Adult School, Simi Valley – September 2010

PT Program

1. Twin Rivers Adult School – January 2010

F. School Survey Visits for Initial and Continued Accreditation

Initial Accreditation for VN Programs

1. Anderson Medical Career College, Commerce – June 2010
2. College of Information Technology, Fullerton – April 2010
3. Community Enhancement Services College, Glendale – June 2010
4. Gurnick Academy of Medical Arts, Fresno – April 2010
5. Gurnick Academy of Medical Arts, Modesto – April 2010
6. Sierra Pacific College, Redlands – May 2010
7. Southern California Medical College, Bakersfield – May 2010
8. St. Jude Healthcare Education Center, Glendale – June 2010
9. United Education International College, Chula Vista – July 2010

Continued Accreditation for VN Programs

1. Allan Hancock College, Santa Maria – May 2010
2. American Career College, Los Angeles - October 2010
3. American Career College, Orange County – June 2010

4. Angeles Institute, Lakewood – October 2010
5. Baldy View Regional Occupational Center – March 2010
6. California Nurses Educational Institute, Cathedral City, April 2010
7. College of the Siskiyous, Yreka – January 2010
8. Concorde Career College, North Hollywood – March 2010
9. Fresno Adult School, Fresno – May 2010
10. Grossmont Health Occupations, Santee – March 2010
11. Lassen Community College, Susanville – March 2010
12. Los Angeles Unified School District, East Los Angeles Campus – March 2010
13. Los Angeles Unified School District, Jordan Locke Campus – February 2011.
14. Los Angeles Unified School District, Manual Arts/Crenshaw Campus – February 2010
15. Los Angeles Unified School District, Maxine Waters Preparatory Campus – March 2010
16. Los Angeles Unified School District, Mid Wilshire Campus – February 2010
17. Los Angeles Unified School District, North Valley Campus – February 2010
18. Los Angeles Unified School District, West Valley Campus – February 2010
19. Napa Valley Community College, Napa – October 2010
20. NCP College of Nursing, Hayward – October 2010
21. Pacific College, Costa Mesa – October 2010
22. Palo Verde Community College, Blythe – July 2010
23. Preferred College, Van Nuys – August 2010
24. Prime Career College, Vallejo – May 2010
25. Stanbridge College, Irvine – July 2010
26. Tri County Regional Occupational Center, Yuba City – October 2010

Continued Accreditation for PT Programs

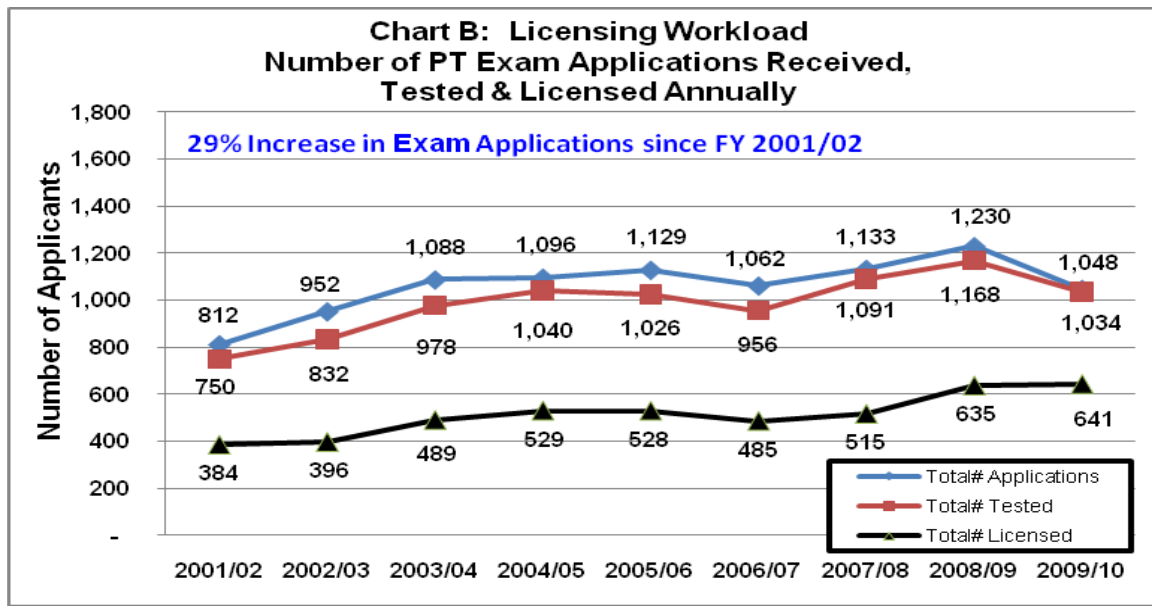
1. Mission College, Santa Clara – July 2010
2. Napa Valley College, Fast Track, Napa – October 2010
3. Napa Valley College, Generic, Napa – October 2010
4. San Bernardino Valley College, San Bernardino – June 2010
5. West Hills Community College, Coalinga – April 2010

IV. LICENSING DIVISION

A. Breeze Information Technology Project – Beginning in October and November 2010, four Board employees participated as Subject Matter Experts (SME) and worked with the DCA Office of Information Systems and its prospective vendors to refine and improve the business requirements for the Breeze System. During the next phase, these same Board employees will be asked to participate on various workgroups to establish the Data Conversion, Forms, and Report requirements for the VN & PT Programs.

B. PT Program

1. Workload – Chart B shows the progressive increase in the PT Program's licensing workload for the past nine years (i.e., FY 2000/01 through FY 2009/10). The number of examination applications received annually increased by 29%.



2. Examination Administration – The Board contracted with Psychological Services, LLC (PSI) to administer its computerized PT licensure examination for the period January 1, 2010 through December 31, 2010. PSI has thirteen test sites throughout California.
3. Examination Development – The Board contracted with the DCA Office of Professional Examination Services (OPES) for the period of January 1, 2010 through December 31, 2010. The following examination development activities occurred in 2010:
 - a. Item Review Conference – On March 22-26, 2010, Board convened an Item Review Conference. The primary conference objective was the review and revision of sufficient quality examination items consistent with the needs of the PT Licensure Examination Item Bank to facilitate publication of new examination items in January 2011. Conference

participants included eight (8) Subject Matter Experts from education and practice arenas.

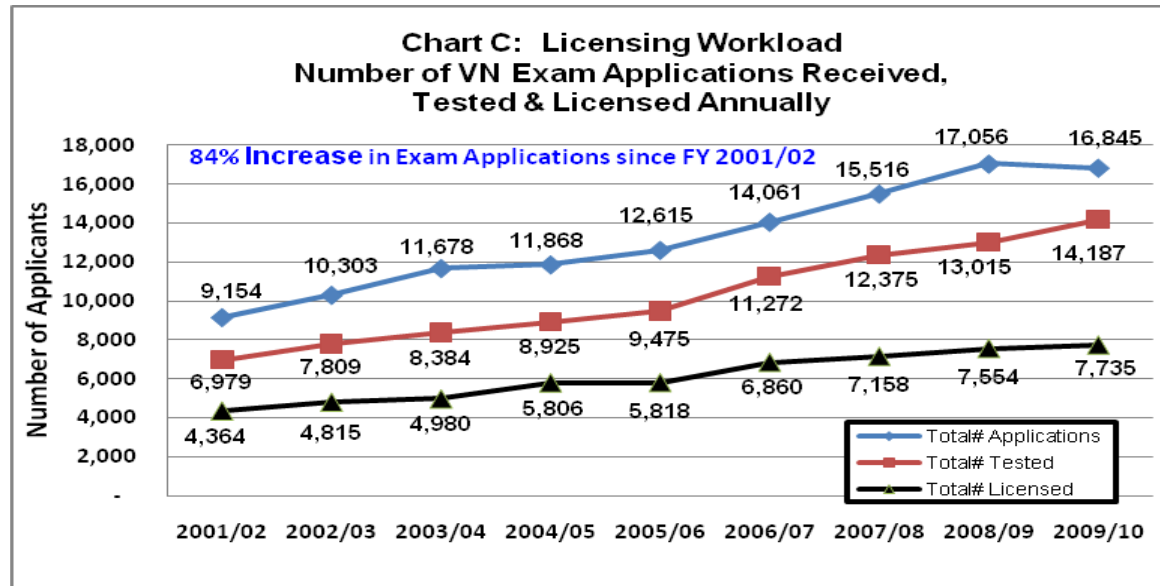
- b. Planning Meeting -- On May 11, 2010, the Board convened the Annual PT Planning Meeting with the OPES. The purpose of the meeting was the review and analysis of the PT Licensure Examination program and the development of additional program requirements. Additionally, a schedule for finalization and dissemination of quarterly statistical reports to all programs was established.
- c. Program Survey -- In May 2010, the Board conducted a survey of all psychiatric technician programs. Programs were canvassed relative to the following areas: Numbers of program graduates; Changes in the population of applicants; Changes in student population; Technological innovations; Changes in professional practice; and Trends in healthcare. Data from the study assists the Board in the development of future examination programs. Additionally, this information assists the Board in addressing pertinent issues related to examination, licensure, and practice.
- d. Committee of Content Experts Conference – On June 7-11, 2010, the Board convened a Committee of Content Experts Conference. The purpose of the conference was selection and finalization of examination items for new PT Licensure Examinations scheduled for publication in January 2011. Conference participants included three (3) Subject Matter Experts from education and practice arenas.
- e. Examination Administration Reports – The Board disseminated Rank of Schools Reports to each accredited and approved program electronically in May, August, and October 2010. Additionally, a Program Summary by Content Area Report specific to each program was disseminated. These reports assist the Board and programs in the evaluation of enrolled students.
- f. Item Development Conference – On December 6-9, 2010, the Board and the OPES convened the 2011 PT Item Development Conference. The overall purpose of the conference was the development of quality examination items consistent with the needs of the item bank and occupational analysis. Subject Matter Experts included PTs and registered nurses employed in the education and practice arenas.

4. Examination Statistics: Calendar Year 2010 (1/1/2010 – 12/31/2010) – The table below shows a total of 947 applicants sat for the PT Licensure Examination in 2010. **The pass percentage rate for first-time applicants was 84%.** The PT Licensure Examination Statistics for 2010 are as follows:

Table #8: PT Applicants	PT Applicants Tested	#Pass	%Pass	#Fail	%Fail
First-Time Applicants	618	518	84%	100	16%
Repeat Applicants	329	111	34%	218	66%
Overall Totals:	947	629	66%	318	34%
*The amounts shown in this table reflect statistics for each "calendar year". The amounts shown in Chart B reflect "fiscal year" statistics (not calendar year data). Therefore, these figures will not match exactly.					

C. VN Program

1. Workload – Chart C shows the progressive increase in the VN Program's licensing workload for the past nine years (i.e., FY 2000/01 through FY 2009/10). The number of examination applications received annually increased by 84%.



2. Examination Administration -- The Board contracts with the National Council of State Boards of Nursing (NCSBN) for the development and administration of the VN licensure examination, the NCLEX-PN®. As the number of NCLEX® candidates' increases, Pearson VUE, NCSBN's testing vendor, continues to assess capacity needs at the Pearson Professional Centers where the NCLEX® examinations are given. To meet demand, Pearson VUE has 217 domestic Pearson Professional Centers (PPCs) and 17 international PPCs.
3. Examination Statistics: Calendar Year 2010 (1/1/2010 – 12/31/2010) – The table below shows a total of 13,848 candidates sat for the VN Licensure Examination in 2010. The pass percentage rate for **first-time applicants were 73% for the VN Program.** The NCLEX-PN® Licensure Examination Statistics for 2010 are as follows:

Table #9: VN Applicants	VN Applicants Tested	#Pass	%Pass	#Fail	%Fail
First-Time Applicants	9,248	6,704	73%	2,539	27%
Repeat Applicants	4,600	1,327	29%	3,272	71%
Overall Totals:	13,848	8,031	58%	5,811	42%
*The amounts shown in this table reflect statistics for each "calendar year". The amounts shown in Chart C reflect "fiscal year" statistics (not calendar year data). Therefore, these figures will not match exactly.					

4. National Council State Boards of Nursing (NCSBN) - New NCLEX/PN Passing Standard – On December 8, 2010, the NCSBN Board of Directors voted to raise the passing standard for the NCLEX/PN Examination. Implementation of the new passing standard is scheduled for April 1, 2011 with the 2011 NCLEX/PN Test Plan.

The new passing standard was required as a result of the 2009 occupational analysis of vocational nursing practice. The study examined all clinical and geographical settings in the United States where vocational nurses practice. The study indicated a change in the delivery of health care and nursing practice. It found that based on today's health care system, entry-level vocational nurses are required to provide nursing care for clients with a greater acuity level than previously indicated. Given those findings, the NCSBN determined that safe and effective entry-level practice requires a greater level and complexity of knowledge, skills, and abilities than was required in 2008.

This information and a new Test Plan were discussed and distributed at the Board's Director Forums in September 2010. This information is also on the Board's website.

V. CONSUMER OUTREACH

- A. Customer Service Surveys – In 2010, the Board distributed and/or mailed out approximately 3,500 Customer Service Surveys (i.e., distributed at Board Meeting and the Board's Public Counter; and e-mailed to the Board's Accredited Schools and to Examination Result recipients). Approximately 559 survey responses were received. A summary of the survey results revealed that 90% of the respondents were either very satisfied or satisfied with the Board's performance; 7% were marginally satisfied with the Board's performance; and 3% were either dissatisfied or very dissatisfied with the Board's performance.
- B. Director Forums – On September 15, 2010 and September 23, 2010, the Board presented Director Forums in Los Angeles and Sacramento respectively. The forums provided directors and faculty of VN and PT programs information about legislation, use of predictor tests, purpose and utilization of clinical simulation in nursing education, and strategies for improving program pass rates.
- C. Stakeholder Survey – On November 8, 2010, the Board e-mailed surveys to 222 accredited and approved VN and PT programs and 350 clinical facilities. The purpose of the survey was to determine the challenges faced by accredited and approved programs in educating competent LVNs and PTs; determine the

2. Appointment Expirations

- Angelique Stephens – On February 11, 2010, Ms. Stephens was not reappointed to the Board and her appointment expired.
- Ken Merchant – On February 11, 2010, Mr. Merchant was not reappointed to the Board and his appointment expired.

3. Election of 2010 Officers – On February 17, 2010, John P. Vertido, Licensed Vocational Nurse/Educator, was re-elected as President of the Board and Todd D'Braunstein, PT, was re-elected Vice President of the Board.

4. Vacancies – There are now three Board Member positions vacant. They are:

- One LVN Member position
- Two Public Member positions

C. Liaison Activities & National Committees

1. California Healthcare Workforce – On March 8, 2010, the Assistant Executive Officer Marina Okimoto and Supervising Nursing Education Consultant Cheryl Anderson met with Brian Stiger, DCA Director, April Alameda, Special Assistant to the Director, and representatives from the California Department of Corrections and Rehabilitation (CDCR) relative to CDCR's projected staffing needs.

CDCR reported that under a federal court order, CDCR has been directed to open three (3) new correctional facilities by December, 2013. Approximately 122 LVNs and 440 PTs are required to staff these facilities. CDCR anticipates that recruitment of adequate numbers of PTs will present the greatest challenge.

2. Hacienda La Puente Commencement Speech – Board Vice President Todd D'Braunstein spoke during the graduation ceremony at Hacienda La Puente on February 26, 2010.

3. National Council of State Boards of Nursing Mid-Year Conference – The EO attended this conference in Chicago, IL on March 8-10, 2010.

4. National Council of State Boards of Nursing Executive Officers' Meeting – The EO attended this meeting in San Diego, CA, June 21 – 22, 2010.

5. Summit Career College Graduation Ceremony – On June 24, 2010, the Board Vice-President Todd D'Braunstein was the keynote speaker at the graduation ceremony.

6. Healthcare Workforce Clearinghouse Project – On July 7, 2010, the Assistant Executive Officer Marina Okimoto, Supervising Nursing Education Consultant Cheryl Anderson, and Associate Information Systems Analyst, Shawn Nibbelink

met with representatives from the Office of Statewide Health Planning and Development regarding the Healthcare Workforce Clearinghouse Project.

7. Assembly Bill (AB) 950 Hearing – On July 22, 2010, the Board President John Vertido and the EO were asked to provide testimony regarding AB 950, which created a licensure requirement for hospice facilities. Specifically, they were to address the scope of practice questions regarding LVNs.
8. DCA Board Member Training – On July 27, 2010, Board President John Vertido and the EO attended the DCA-sponsored Board Member and Advisory Committee Training: Improving Enforcement and Board Governance. Issues discussed included Board Member Governance and Its Role in Improving Enforcement, Defining Expectations and Roles for Board Members and Executive Officers, Future Focus on Establishing Continuing Competency Requirements, Defining Expectations and Roles for DCA Executives/Administrators, and Best Practices for Public Meetings.
9. Expert Witness Training – On September 14, 2010, Supervising Nursing Educational Consultant Cheryl Anderson, Enforcement Division Chief Angelina Martin, and Enforcement Analyst Jane Kreidler conducted Expert Witness Training in Los Angeles. The purpose of the training was to increase the pool of expert witnesses available to consult on Education and Enforcement cases.
10. DCA Conference Call – On September 14, 2010, John Vertido, Board President, participated in a DCA-sponsored conference call, along with Presidents and Executive Officers from other Boards.
11. Cypress College Advisory Board – On September 27, 2010, Todd D'Braunstein, Board Vice President, spoke to the Cypress College Advisory Board at the Cypress College in Cypress, California.
12. DCA Conference Call – On October 12, 2010, John Vertido, Board President, participated in a DCA-sponsored conference call, along with Presidents and Executive Officers from other Boards.
13. California Vocational Nurse Educators (CVNE) – On October 16, 2010, John Vertido, Board President, gave the keynote speech at the CVNE Conference in San Diego, CA.
14. California Consumer Affairs Association (CCAA) – On November 8-9, 2010, John Vertido, Board President, and the EO attended the CCAA's 35th Annual Conference in Sacramento, CA.
15. DCA Monthly Conference Call – On November 9, 2010, Todd D'Braunstein, Board Vice President, participated in a DCA-sponsored conference call, along with Presidents and Executive Officers from other Boards.
16. DCA Monthly Conference Call – On December 14, 2010, John Vertido, Board President, participated in a DCA-sponsored conference call, along with Presidents and Executive Officers from other Boards.

D. Personnel Updates

1. Nursing Education Consultants – Effective February 1, 2011, four of the Board's five Nursing Education Consultant (NEC) positions are vacant. This equates to a 80% reduction in nursing staff. Due to the nursing shortage, nurses are in great demand and are able to obtain a much higher salary at other state agencies and in the private sector. In November 2007 and again on June 22, 2010, the Board and the Board of Registered Nursing submitted a formal request to the Department of Personnel Administration (DPA) to obtain a pay differential for its current and future NECs. Due to the State of California's ongoing budget deficit, the Board has not received a response regarding this issue from the DCA or DPA. Notwithstanding this fact, the State Hiring Freeze would prohibit any hires at this time.

VII. GENERAL STATISTICS

Table #10: Fast Facts	VN Program	PT Program	Totals
Budget Authority (FY 2010/11)	\$12,155,000	\$2,971,000	\$15,126,000
Staff Authority (FY 2010/11)	70.0	14.0	84.0
Total# of Licensees (eff. 1/1/2011) ¹	118,225	13,356	131,581
1 - This figure includes active, inactive and delinquent licenses.			

Table #11: Workload Activity	2009	2010	%Change
Telephone Calls Received ¹	106,248	360,128	+239%
Mail Received	74,672	94,813	+27%
Internet Inquiries	12,372	12,023	-3.0%
Website Hits ²	1,051,939	2,505,006	+138%
1 - The Board converted to a new phone system in March 2009. As a result, the statistical data reported was a projected guesstimate only.			
2 - The number of website hits has increased due to the volume of online license verifications and the availability of various online forms (e.g., application and renewal forms).			

Table #12: Licensing Workload	VN Program		PT Program	
	2009	2010	2009	2010
Public Counter Inquiries	2,784	2,630	488	473
Applications Evaluated and Processed	20,395	20,516	1,148	873
Applicants Approved to Test	14,160	14,404	803	739
Applicants Tested	13,774	13,764	1,123	941
Out-of-State License Applications Processed	503	354	0	0
Interim Permits Issued	8	7	0	0
Temporary Licenses Issued	844	810	77	37
Initial Licenses Issued	7,924	8,126	687	614
Licenses Renewed (in-house)	7,968	7,531	1,376	1,238
Intravenous Therapy and Blood Withdrawal Certificates Issued ¹	4,962	5,169	26	11
Continuing Education Course Providers Approved	45	26	3	4
Endorsements Processed	1,377	1,462	7	13
Continuing Education Audits Completed	1,270	1,186	265	255
Fingerprints Processed ²	31,650	31,367	3,787	4,365
Important Note: The data shown in this table reflect statistics for each "Calendar Year". The amounts shown in Charts B & C reflect "Fiscal Year" statistics (not calendar year data). Therefore, these figures will not match exactly.				
1- PTs are only allowed post-licensure certification in Blood Withdrawal.				
2 - Effective July 1, 2009, retroactive fingerprinting for licensees who were not fingerprinted prior to January 1, 1998, was implemented.				

(2/1/2011)